

AN ACT relating to crimes and punishments.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 531 IS CREATED TO READ AS FOLLOWS:

- (1) As used in this section and Section 2 of this Act, "nude image" means an obscene image showing all or any part of the human genitals or pubic area or any part of the female breast from the top of the nipple downward, to and including the bottom of the breast, with less than a fully opaque covering.
- (2) A person is guilty of transmission of a nude image by a person under eighteen (18) years of age when, being under eighteen (18) years of age, he or she knowingly, voluntarily, and without threat or coercion uses a computer or electronic communication device to transmit a nude image of himself, herself, or another person under the age of eighteen (18) years to another person.
- (3) Transmission of a nude image by a person under eighteen (18) years of age is a violation for the first offense and a Class B misdemeanor for each subsequent offense.
- (4) The juvenile session of the District Court shall have jurisdiction over this offense.
- (5) KRS 17.500 to 17.580 shall not apply to a person who was under eighteen (18) years of age at the time of the commission of this offense.
- (6) No person under the age of eighteen (18) years shall be tried for, found guilty of, or adjudicated delinquent of any other offense in this chapter, KRS Chapter 510 or 530, or another chapter of the Kentucky Revised Statutes for conduct that is proscribed by this section.
- (7) Notwithstanding any other provision of law, the records of a person under the age of eighteen (18) years at the time of commission of this offense who is adjudicated delinquent under this section shall be automatically expunged when the defendant reaches eighteen (18) years of age.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 531 IS CREATED TO READ AS FOLLOWS:

- (1) A person is guilty of possession of a nude image transmitted by a person under eighteen (18) years of age when he or she knowingly possesses a nude image transmitted to him or her in violation of Section 1 of this Act.
- (2) Possession of a nude image transmitted by a person under eighteen (18) years of age is a violation for the first offense and a Class B misdemeanor for each subsequent offense.
- (3) (a) A person who was under eighteen (18) years of age at the time of the commission of this offense shall be prosecuted in the juvenile session of the District Court.

(b) A person who was eighteen (18) years of age or older at the time of the commission of this offense shall be prosecuted in the District Court.
- (4) KRS 17.500 to 17.580 shall not apply to a person adjudicated delinquent or found guilty of a commission of this offense.
- (5) No person shall be shall be tried for, found guilty, or adjudicated delinquent of any other offense in this chapter, KRS Chapter 510 or 530, or another chapter of the Kentucky Revised Statutes for conduct that is proscribed by this section.
- (6) It shall not be a violation of this section if the person took reasonable steps, whether successful or not, to destroy or eliminate the nude image. An action by a person pursuant to this subsection shall not be a violation of KRS 520.120, 520.130, or 524.100.
- (7) Notwithstanding any other provision of law, the records of any person who was under the age of eighteen (18) years at the time of the commission of this offense shall be automatically expunged when the person reaches eighteen (18) years of age.